

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESLEY BATTEY, JR.,

Case No.: 2:24-cv-00095-NJK

Plaintiff,

V.

U.S. SOCIAL SECURITY ADMIN.,

Defendant.

ORDER

11 On January 10, 2024, *pro se* plaintiff Wesley Battey, Jr., an inmate in the custody of the
12 Clark County Detention Center, submitted an application to proceed *in forma pauperis* and a
13 complaint. Docket Nos. 3, 3-1. Plaintiff's application to proceed *in forma pauperis*, however, is
14 incomplete. *See* Docket No. 3.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

Here, Plaintiff's financial certificate is not signed by a prison or jail official. Docket No. 3 at 4. Further, Plaintiff fails to include a copy of his trust fund account statement for the previous six-month period. *See* Docket No. 3.

Accordingly, for the reasons stated above,

Plaintiff's application to proceed *in forma pauperis*, Docket No. 3, is **DENIED**.

IT IS ORDERED that no later than **March 15, 2024**, Plaintiff must either pay the full \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three required documents: a completed application with the inmate's two signatures on page 3; a completed financial certificate that is signed both by the inmate and the prison or jail official; and a copy of the inmate's trust fund account statement for the previous six-month period.

IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this action will be subject to dismissal without prejudice. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a complete application to proceed *in forma pauperis* or pay the required filing fee.

The Clerk of the Court is **INSTRUCTED** to send Plaintiff Wesley Battey, Jr. the approved form application to proceed *in forma pauperis* for an inmate and instructions for the same and retain the complaint, Docket No. 3-1, but not file it at this time.

IT IS SO ORDERED.

DATED: January 17, 2024.


NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE